

STATE OF TENNESSEE

# Office of the Attorney General



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OFFICE OF THE  
EXECUTIVE SECRETARY

**PAUL G. SUMMERS**  
ATTORNEY GENERAL AND REPORTER

**ANDY D. BENNETT**  
CHIEF DEPUTY ATTORNEY GENERAL

**LUCY HONEY HAYNES**  
ASSOCIATE CHIEF DEPUTY  
ATTORNEY GENERAL

August 22, 2000

**MICHAEL E. MOORE**  
SOLICITOR GENERAL

CORDELL HULL BUILDING  
NASHVILLE, TN 37243-0485

TELEPHONE (615) 741-3491  
FACSIMILE (615) 741-2009

David Waddell, Esq.  
Executive Secretary  
Tennessee Regulatory Authority  
460 James Robertson Parkway  
Nashville, Tennessee 37243

In Re: Tariff filing of BellSouth Telecommunications, Inc. to  
Reduce Grouping rates in Rate Group 5 and to Implement a 3%  
Late Payment Charge  
Docket No. 00-00041

Notice of Additional Evidence: (1) BellSouth  
contracts with aggregators and other telephone  
companies for billing; (2) Statement from the  
Hearing Officer that he advised BellSouth and  
Tennessee consumers that other issues were  
reserved for a fact hearing.

BellSouth advisory that it intends to respond to the  
Petition for Reconsideration

## For filing in the Formal Record

Dear Mr. Waddell:

BellSouth has informed Tennessee consumers that it has decided to respond to Tennessee consumers' Petition for Reconsideration. The company indicates that its filed response was to the first Petition for Stay. On July 26, 2000, after unsuccessful attempting to have BellSouth confirm or deny whether it intended to place the late charges tariff into effect prior to the entry of a written Order, Tennessee consumers filed a Petition for Stay, in preparation for an extraordinary appeal.

After the entry of the August 3, 2000 Order which did not refer to the Amended Initial Order, Tennessee consumers on August 7, 2000 filed a Second Petition for Stay and a Petition for Reconsideration so that the agency could have the opportunity to modify its Order.

POSTED  
8/22/00

On the afternoon of August 14, 2000, BellSouth faxed Tennessee consumers a response to Tennessee consumers' Petition for Stay. On or about August 15, 2000, counsel for BellSouth informed me that the company had not yet placed the tariff in effect but planned to do so.

On August 21, 2000, Tennessee consumers filed a reply to BellSouth's Response to that Petition for Stay. That response noted that BellSouth had not filed an objection to the Petition for Reconsideration. We expressly stated that since BellSouth did not object to the Petition for Reconsideration our reply solely addressed the response to the Petition for Stay.

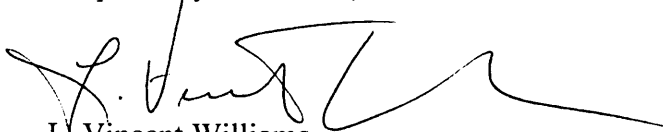
On August 22, 2000 BellSouth's counsel advised counsel for Tennessee consumers that it is responding to the Petition for Reconsideration. As a result, Tennessee consumers will reply to BellSouth's Response if Tennessee consumers deem a reply necessary.

### **Additional Evidence**

Counsel for Tennessee consumers has contacted BellSouth and the Hearing Officer to supply new items for consideration in this record. With respect to BellSouth we have again sought copies of the contracts the company had and has with billing aggregators and other telecommunication companies. BellSouth promised to provide these copies prior to the hearing on the Initial Order, but did not provide the documents prior to the hearing. Moreover, BellSouth has not acted to provide the documents since the agency's oral decision. The company advised Tennessee consumers today that it would have Kinko's copy the documents and get them to us. It is unfairly prejudicial to Tennessee consumers that these documents were not provided in a timely manner prior to the filing of the Second Petition for Stay and Reconsideration. The prejudice is especially harmful where the company asserts that it has provided large numbers of documents, but clearly has not provided other documents that it specifically promised to provide.

In addition, Tennessee consumers requested the Hearing Officer to file a written statement for the record, which acknowledged that he informed both BellSouth and Tennessee consumers that other issues not explicitly addressed by his order would be resolved at a subsequent fact hearing. In addition, the Hearing Officer would resolve any remaining discovery issues.

Respectfully Submitted,

  
L. Vincent Williams

cc: Patrick Turner, Esq.